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असाधारण

EXTRAORDINARY

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PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 31st December, 1965/Pausa 10, 1887 (Saka)

The following President's Acts are published for general information:—

THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) ACT, 1965

No 6 of 1965

Enacted by the President in the Sixteenth Year of the Republic of India.

An Act further to amend the Madras Preservation of Private Forests Act, 1949.

12 of 1965. In exercise of the powers conferred by section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965, the President is pleased to enact as follows:—

1. (1) This Act may be called the Madras Preservation of Private Forests (Amendment) Act, 1965.

Short title
and com-
mencement.

(2) It shall come into force at once.

Amendment
of section 1.

2. In sub-section (3) of section 1 of the Madras Preservation of Private Forests Act, 1949, as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, for the figures, letters and word "31st December, 1965", the figures, letters and word "31st December, 1967" shall be substituted.

Mad. Act
XXVII of
1949.
37 of 1956.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.

Reasons for the enactment

The period of operation of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), is due to expire on the 31st December, 1965. It is considered necessary to extend the period of operation of the Act for a further period of two years.

2. The present enactment is intended for the above purpose.

B. SIVARAMAN,
Secy. to the Govt. of India,
Department of Agriculture.

THE KERALA HINDU PLACES OF PUBLIC WORSHIP (AUTHORISATION OF ENTRY) ACT, 1965

No. 7 OF 1965

Enacted by the President in the Sixteenth Year of the
Republic of India.

An Act to make better provisions for the entry of all classes and
sections of Hindus into places of public worship.

In exercise of the powers conferred by section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965, the President is pleased to enact as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Hindu" includes a person professing the Buddhist, Sikh or Jaina religion;

(b) "place of public worship" means a place, by whatever name known or to whomsoever belonging, which is dedicated to, or for the benefit of, or is used generally by, Hindus or any section or class thereof, for the performance of any religious service or for offering prayers therein, and includes all lands and subsidiary shrines, mutts, devasthanams, namaskara mandapams and nalambalams, appurtenant or attached to any such place, and also any sacred tanks, wells, springs and water courses the waters of which are worshipped, or are used for bathing or for worship, but does not include a "sreekoil";

(c) "section or class" includes any division, sub-division, caste, sub-caste, sect or denomination whatsoever.

3. Notwithstanding anything to the contrary contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law or any decree or order of court, every place of public worship which is open to Hindus generally or to any section or class thereof, shall be open to all sections and classes of Hindus; and no Hindu of whatsoever section or class shall, in any manner, be prevented, obstructed or discouraged from entering such place of public worship, or from worshipping or offering prayers thereat, or performing any religious service therein, in the like manner and to the like extent as any other Hindu of whatsoever section or class may so enter, worship, pray or perform:

Places of public worship to be open to all sections and classes of Hindus.

Provided that in the case of a place of public worship which is a temple founded for the benefit of any religious denomination or section thereof, the provisions of this section shall be subject to the right of that religious denomination or section, as the case may be, to manage its own affairs in matters of religion.

Power to make regulations for the maintenance of order and decorum and the due performance of rites and ceremonies in places of public worship

4. (1) The trustee or any other person in charge of any place of public worship shall have power, subject to the control of the competent authority and any rules which may be made by that authority, to make regulations for the maintenance of order and decorum in the place of public worship and the due observance of the religious rites and ceremonies performed therein:

Provided that no regulation made under this sub-section shall discriminate in any manner whatsoever, against any Hindu on the ground that he belongs to a particular section or class.

(2) The competent authority referred to in sub-section (1) shall be,—

(i) in relation to a place of public worship situated in any area to which Part I of the Travancore-Cochin Hindu Religious Institutions Act, 1950, extends, the Travancore Devaswom Board;

Travancore
Cochin Act
XV of 1950.

(ii) in relation to a place of public worship situated in any area to which Part II of the said Act extends, the Cochin Devaswom Board; and

(iii) in relation to a place of public worship situated in any other area in the State of Kerala, the Government.

Penalty.

5. Whoever, in contravention of section 3,—

(a) prevents or attempts to prevent any person belonging to any section or class of Hindus from entering, worshipping or offering prayers, or performing any religious service, in any place of public worship; or

(b) obstructs, or causes or attempts to cause obstruction to, or by threat of obstruction or otherwise discourages, any such person from doing or performing any of the acts aforesaid,

shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both:

Provided that in a case where a sentence of fine only is awarded, such fine shall not be less than fifty rupees.

Abetment of offences.

6. Whoever abets any offence under this Act shall be punishable with the punishment provided for the offence.

Enhanced penalty on subsequent conviction.

7. Whoever, having already been convicted of an offence under this Act or of an abetment of such offence, is again convicted of any such offence or abetment shall, on every such subsequent conviction, be punishable with imprisonment for a term which shall not be less than one month but which may extend to one year and with fine which

shall not be less than two hundred rupees but which may extend to one thousand rupees.

8. No civil court shall entertain or continue any suit or proceeding, or shall pass any decree or order, or execute wholly or partially any decree or order, if the claim involved in any such suit or proceeding, or if the passing of any such decree or order, or if such execution, would in any way be contrary to the provisions of this Act. Limitation of jurisdiction of civil courts.

5 of 1898. 9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898,— Offences under the Act to be cognisable and compoundable

(a) every offence under this Act shall be cognisable; and

(b) every such offence, except where it is committed by a person who has been convicted for the same offence previously, may, with the permission of the court, be compounded.

22 of 1955. 10. Nothing in this Act shall apply to any matter which is an offence under the Untouchability (Offences) Act, 1955. Saving.

Madras Act V of 1947. 11. The Madras Temple Entry Authorisation Act, 1947, as in force in the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, and such of the provisions of the Travancore-Cochin Temple Entry (Removal of Disabilities) Act, 1950, as have not been repealed by the Untouchability (Offences) Act, 1955, are hereby repealed. Repeal.

37 of 1956. Travancore Cochin Act XXVII of 1950. 22 of 1955

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.

Reasons for the enactment

The laws authorising entry of all classes of Hindus into Hindu temples in force in the State of Kerala are—

- (i) such of the provisions of the Travancore-Cochin Temple Entry (Removal of Disabilities) Act, 1950, as have not been repealed by the Untouchability (Offences) Act, 1955; and
- (ii) the Madras Temple Entry Authorisation Act, 1947.

The former Act is in force in the Travancore-Cochin area and the latter Act is in force in the Malabar area of the State of Kerala. It is considered necessary to enact a uniform and comprehensive law on the subject applicable throughout the State of Kerala.

2. This enactment is intended for the above purpose.

3. The Committee constituted under the proviso to sub-section (2) of section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965 (12 of 1965) has approved the enactment of this measure as a President's Act.

D. C. DAS,

*Secretary to the Government of India,
Department of Social Security.*